

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

FRANK REYES,

*Plaintiff,*

v.

FEDERATED MUTUAL INSURANCE  
COMPANY,

*Defendant.*

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Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Federated Mutual Insurance Company (“Federated”) files this Notice of Removal, and would respectfully show the Court the following:

**Introduction**

1. On August 28, 2019 the Plaintiff, Frank Reyes (“Plaintiff”), filed a lawsuit against Federated in Cause No. 19-08-84912-D; *Frank Reyes v. Federated Mutual Insurance Company*; In the 377th Judicial District Court of Victoria County, Texas. A certified copy of the Original Petition is attached as Exhibit 1. Service of process was made upon Federated on October 25, 2019.

2. Federated timely filed this Notice of Removal within the 30-day deadline required by 28 U.S.C. §1446(b).

**Bases for Removal**

3. Removal is proper based on diversity of citizenship. 28 U.S.C. 1332(a). In particular:

a. Plaintiff is an individual residing in Victoria County, Texas.

b. Federated is a Minnesota corporation with its principal place of business in Minnesota. Therefore, Federated is a citizen of Minnesota.

4. Plaintiff alleges in his Original Petition that he seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00. Accordingly, the amount in controversy is in excess of the sum of \$75,000.00. All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441(b).

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Victoria County, Texas, the place where the removed action has been pending.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Clerk of the 377th Judicial District Court of Victoria County, Texas and all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of Exhibit 1 as described above, and the following additional filings, as required by Local Rule 81<sup>1</sup>:

Exhibit 2: Defendant Federated Mutual Insurance Company's Original Answer;

Exhibit 3: The docket sheet;

Exhibit 4: An index of matters being filed; and

Exhibit 5: List of all counsel of record and parties represented.

### **Jury Demand**

8. Pursuant to Federal Rule of Civil Procedure 38, Federated demands a trial by jury.

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<sup>1</sup> Plaintiff has not yet returned the citation to the state court.

**Prayer**

Defendant, Federated Mutual Insurance Company, respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it is justly entitled.

Respectfully submitted,

**COZEN O'CONNOR**

/s/ Karl A. Schulz

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**ATTORNEYS FOR DEFENDANT  
FEDERATED MUTUAL INSURANCE  
COMPANY**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of Defendant's Notice of Removal has been sent via the Court's ECF system and/or e-service on November 15, 2019 to:

Stephen R. Walker  
Law Offices of Manuel Solis, PC  
6657 Navigation Boulevard  
Houston, Texas 77011  
**Attorneys for Plaintiff**  
**Frank Reyes**

/s/ Karl A. Schulz  
Karl A. Schulz